UNITED
NATIONS

General Assembly

Distr.
GENERAL

A/AC.254/7
10 December 1998

ORIGINAL: ENGLISH

Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
First session
Vienna, 19-29 January 1999
Item 5 (a) of the provisional agenda*
Consideration of the additional international legal instruments

ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

Ongoing international initiatives related to the elaboration of an international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

I. INTRODUCTION

1. The informal working group established to assist the Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (the informal group of the "Friends of the Chair"), at its third session, held in Vienna from 5 to 6 November 1998, requested the Secretariat to prepare a summary of international initiatives in the area of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The purpose of the summary would be to enable States and the Ad Hoc Committee to foster inter-agency and international coordination in that field and to ensure complementarity of international initiatives, especially in the context of the consideration by the Ad Hoc Committee of the draft international legal instrument on illicit manufacturing of and trafficking in firearms. The present document has been prepared pursuant to the above request.

II. INITIATIVES WITHIN THE UNITED NATIONS

A. Recommendations of the Panel of Governmental Experts on Small Arms

2. The General Assembly, in its resolution 52/38 J of 9 December 1998, welcomed the submission of the report of the Secretary-General prepared with the assistance of the Panel of Governmental Experts on Small

*A/AC.254/1.

Arms (A/52/298, annex). The report contained recommendations on measures to reduce excessive and destabilizing accumulation and transfer of small arms and light weapons in specific regions of the world and to prevent such accumulations and transfers from occurring in the future. The Assembly, in the same resolution, endorsed those recommendations and requested the Secretary-General to implement them, within available financial resources, and in cooperation with appropriate international and regional organizations where necessary.

3. Suggested measures in the recommendations of the report included: implementation of the guidelines for international arms transfers adopted by the Disarmament Commission in 1996;[1] encouragement of the adoption and implementation of regional or subregional moratoriums on the transfer and manufacture of small arms and light weapons; encouragement of the regional initiatives similar to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials; and consideration of the possibility of convening an international conference on the illicit arms trade.

B. Guidelines for international arms transfers

4. The General Assembly, in its resolution 46/36 H of 6 December 1991, called upon all States to give high priority to eradicating the illicit trade in all kinds of weapons and urged Member States to exercise effective control over their arms imports and exports. Subsequently, in 1996, the Disarmament Commission adopted the guidelines for international arms transfers.

5. Suggested ways and means of fighting illicit arms trafficking at the international level include a requirement by the exporter for import licences or verifiable end-use/end-user certificates for international arms transfers; the sharing of relevant customs information and coordination of intelligence efforts to ensure effective control of borders; and the application of compatible standards in the procedures for regulating the export and import of arms.

C. Coordinating Action on Small Arms

6. The Secretary-General has designated the Department for Disarmament Affairs of the Secretariat as the focal point to coordinate all action on small arms within the United Nations system. The decision was taken on 24 June when the Senior Management Group met under the chairmanship of the Secretary-General. The Coordinating Action on Small Arms, established by the Department as the mechanism for implementing the decisions of the Secretary-General, held its first meeting on 4 August 1998. All of its members, United Nations entities, departments and programmes with comparative advantage in the field of small arms have nominated focal points in order to ensure cooperation. The Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat is coordinating its activities on firearm regulation within that mechanism.

III. INTERNATIONAL INITIATIVES

A. Principles and action plan recommended by the Senior Experts Group on Transnational Organized Crime and endorsed by the G-8

7. On 17 May 1998, at the Birmingham Summit of the Eight, the heads of State or Government of the seven leading industrial countries (Canada, France, Germany, Italy, Japan, United Kingdom of Great Britain and Northern Ireland and United States of America) and the Russian Federation endorsed the principles and action plan of the G-8 Senior Experts Group on Transnational Organized Crime to combat illegal manufacturing of and trafficking in firearms. The endorsed action plan includes: marking of firearms; ensuring timely exchange of information; establishing an import/export and in-transit authorization regime for the international transfer

of firearms; and working towards the elaboration of a binding international legal instrument in the context of the United Nations convention on transnational organized crime.

B. Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

8. The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies received final approval by the 33 co-founding participating States in July 1996 and began operation in September 1996. It is designed to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. Participating States are committed to exercising effective national export controls on small arms and light weapons, which are included in the Wassenaar Arrangement Munition List, with the objective of preventing unauthorized transfers or re-transfers of those items.

C. Oslo agreement of common understanding

9. In the Oslo meeting on small arms, held in Oslo, on 13 and 14 July 1998, representatives of 21 Governments reached a common understanding on an international agenda on small arms and light weapons. The follow-up action will range from combating the illicit traffic in small arms and introducing tighter control of legal transfers to reducing the number of small arms in war-torn societies.

D. The Brussels Call for Action

10. The International Conference on "Sustainable Disarmament for Sustainable Development", held in Brussels on 12 and 13 October 1998, issued the Brussels Call for Action[2] as a reference point for further action on small arms disarmament in the short and medium term. The action called for includes: strengthening national, regional and international regulations on the transfer of arms to enhance international cooperation; supporting the elaboration of an international instrument to combat illicit manufacturing of and trafficking in firearms; and adopting codes of conduct in international arms transfers to restrict the transfers to legitimate actors.

IV. REGIONAL INITIATIVES

A. Inter-American Convention and Model Regulations

11. On 13 November 1997, the General Assembly of the Organization of American States (OAS) adopted the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (A/AC.254/CRP.1). The purpose of the Convention is to prevent, combat and eradicate illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials and to promote and facilitate cooperation and the exchange of information and experiences among the States parties to the Convention in order to pursue the above-mentioned goals. The suggested strategies include: marking of firearms; introducing stringent export and import and transit authorizations; strengthening controls at export points; confiscating illegally manufactured or illegally transported firearms and ammunition; and exchange of information.

12. On 2 June 1998, the OAS General Assembly also adopted the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition. The purpose of the Model Regulations is to set out, for use on a multilateral basis, harmonized measures and a harmonized system of

procedures for monitoring and controlling the international movement of firearms, their parts and components and ammunition, in order to prevent their trafficking and diversion to illicit channels. The Model Regulations are an essential building block of the implementation of the Inter-American Convention, focusing on improving the control of the legal international movement of firearms, their parts and components and ammunition.

B. European Union Programme for Combating and Preventing Illicit Trafficking in Conventional Arms and the code of conduct for arms exports

13. In June 1997, the Council of the European Union (EU) adopted the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms. The Programme provided a framework for EU action in the following main areas: (a) strengthening efforts to prevent and combat illicit trafficking in arms from and through EU; (b) taking concerted action to assist other countries in preventing and combating illicit arms trafficking; and (c) taking concerted action to assist countries in post-conflict situations.

14. Complementing this Programme is the code of conduct for arms exports, which was adopted by the Council of the European Union in June 1998. The code contains eight criteria that EU members will take into account in their national decision-making on arms exports, such as: the respect for the international commitments of EU member States (criterion one); the respect of human rights in the country of final destination (criterion two); the preservation of regional peace, security and stability (criterion four); the existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions (criterion seven).

15. In 1998, under the framework of the Programme, EU and its member States have started to develop a dialogue with the South African Development Community (SADC) and its members, with a view to supporting SADC member States to tackle small arms proliferation and illicit arms trafficking.

C. The declaration of the moratorium on small arms in western Africa

16. During the international conference held in Oslo on 1 and 2 April 1998, the President of Mali presented a proposal on a moratorium on the manufacture, export and import of small arms in western Africa, in the presence of 13 member States of the Economic Community of West African States (ECOWAS), 23 Wassenaar Arrangement member States and relevant United Nations organizations, non-governmental organizations and observer States. The moratorium is open to all African countries and is not a binding mechanism. The declaration on the moratorium was adopted by the Conference of Heads of State and Government of ECOWAS in Abuja, Nigeria, on 30 October 1998 and came into effect on 1 November 1998 for a renewable period of three years.

Notes

[1] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 42* (A/51/42), annex I.

[2] The Brussels Call for Action has been circulated in a document of the General Assembly (A/53/681, annex).